

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOSEPH THOMAS SAARI,

Case No. 22-CV-2414 (PJS/DTS)

Petitioner,

v.

ORDER

JESSE PUGH,

Respondent.

Joseph Thomas Saari, petitioner, pro se.

Nathaniel T. Stumme, ST. LOUIS COUNTY ATTORNEY'S OFFICE, for
respondent.

This matter is before the Court on Petitioner Joseph Thomas Saari's objections to the November 1, 2023 Report and Recommendation ("R&R") of Magistrate Judge David T. Schultz. Judge Schultz recommends denying the amended petition for habeas corpus. The Court has conducted a de novo review. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court overrules Saari's objections and adopts Judge Schultz's thorough and careful R&R.

Only one matter merits comment. Saari appears to argue that, even though he was not sentenced on the pattern-of-stalking charge for which the jury found him guilty, the inclusion of that charge in the jury instructions gave the jury license to find him guilty on his other charges by a mere preponderance of the evidence, because those

charges formed the predicate for the pattern-of-stalking charge. It is unclear if Saari properly raised this argument in his state proceedings or before Judge Schultz, but even assuming he had, it would not matter. Far from convicting him by “general verdict” (as Saari suggests), the jury in his case filled out a separate verdict form for each count. *See* Answer Ex. 5, ECF No. 30-5. There is no reason to believe that the jury applied a lower standard of proof on all but one those verdicts, as Saari contends.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES petitioner’s objections [ECF No. 51] and ADOPTS the R&R [ECF No. 50]. IT IS HEREBY ORDERED THAT:

1. Petitioner Joseph Thomas Saari’s amended petition for a writ of habeas corpus [ECF No. 15] is DENIED.
2. Petitioner’s motion for status update in civil case [ECF No. 38] and motion for an evidentiary hearing [ECF No. 44] are DENIED as moot.
3. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 11, 2023

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court